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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Tokelau

Working paper prepared by the Secretariat

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V. Future status of the Territory

A. Position of the administering Power

12. On 7 October 1996, during the general debate on decolonization issues in the Special Political and Decolonization Committee (Fourth Committee), including the question of Tokelau, the representative of the administering Power expressed his thanks to the United Nations and the Special Committee for the assistance they were providing to New Zealand and Tokelau by creating conditions for the people of the Territory to determine their future. He stated that Tokelau's progress towards self-government was on track. Concerned that future neglect could be the price to pay for greater self-reliance, Tokelau was seeking assurances from the international community, through the Special Committee and the United Nations, that States Members of the United Nations would not remain indifferent to the fate of a small population situated on three atolls in the Pacific Ocean. In particular, Tokelau needed an infrastructure, which was critical to the full development of self-government. It was already clear that any free-association formula must acknowledge that local resources could not adequately cover the material side of self-determination. This was one of the key lessons that New Zealand had drawn from its experience with Tokelau. Decolonization could be successfully achieved only through the participation in that process of the inhabitants of the Territory, the administering Power and the United Nations. In the case of Tokelau, considerable progress had been made as a result of successful interaction not just between Tokelau and New Zealand but between Tokelau, New Zealand and the United Nations (A/C.4/51/SR.3).

B. Position of the people of Tokelau

13. The issue of self-determination is now under active consideration by the people of Tokelau, who have expressed a strong preference for a status of free association with New Zealand (A/AC.109/2009, para. 106).

VI. Action by the General Assembly

14. On 13 December 1996, the General Assembly adopted resolution 51/145, which was specifically devoted to Tokelau.

Notes

[1] The information contained in the present paper has been derived from information provided to the Secretariat by the Permanent Mission of New Zealand to the United Nations in May 1997. The present working paper is an update of the working paper on Tokelau prepared by the Secretariat in 1996 (A/AC.109/2050).

I. General

1. General information on Tokelau[1] is contained in previous working papers prepared by the Secretariat (A/AC.109/2022 and 2050).

II. Constitutional and political developments

2. Detailed information on the Tokelau Constitution as well as on constitutional developments is contained in previous working papers on Tokelau (A/AC.109/1193, paras. 3-26; A/AC.109/2022, paras. 5-7; A/AC.109/2050, paras. 2-10) and in the report of the Visiting Mission (A/AC.109/2009).

3. According to information provided by New Zealand, the administering Power, the process of constitutional development is continuing. The first draft of the Constitution of Tokelau was presented to the National Assembly in January 1997. The refinement of the document is being undertaken and it has been referred back to the villages and the respective subcommittees of the Special Constitutional Committee. Consideration is being given to what aspects of the Constitution can be implemented now, including, for example, the election of delegates to the National Assembly.

4. Tokelau also made progress in the area of law-making by promulgating its own legislation, thus enjoying the legislative powers conferred on it by the New Zealand Parliament in August 1996 (see A/AC.109/2050, paras. 3-6). Among the laws adopted were the Tokelau Post Office Amendment Rules 1996, as well as legislation that established the Telecommunications and Transport Corporations Administrative Regulations and other legislation regulating various aspects of Tokelau finances.

III. Economic conditions

5. Detailed information on economic conditions in the Territory is contained in previous working papers on Tokelau (A/AC.109/1193, A/AC.109/2022 and A/AC.109/2050) and in the report of the Visiting Mission (A/AC.109/2009).

6. On 10 April 1997, the *Ulu-o-Tokelau* (the head of the Council of *Faipule* and the highest authority of Tokelau), Aliki Faipule Falima Teao, officially inaugurated Tokelau's new international telephone service by telephoning the Prime Minister of New Zealand, Mr. Jim Bolger. The administrative office of the newly established Telecommunication Tokelau Corporation (Telenok) is located in Fakaofo, one of the three atolls of Tokelau.

7. The total cost of the major telecommunications project is $NZ 4 million. New Zealand provided financial support in the amount of $NZ 1.5 million. Tokelau contributed $NZ 1.6 million, while the remainder was provided by the United Nations Development Programme (UNDP) and the International Telecommunication Union (ITU).

8. The design and construction of the new system was implemented under the oversight of ITU personnel and ITU's Tokelauan counterpart, Telenok. The Australian telecommunications corporation Telstra installed three satellite earth stations under a contract in the amount of US$ 2 million in December 1996. The *aumaga* (village men) in each village of Tokelau assisted the project by laying cable ducts and building the antenna foundations. The system is designed in such a way that it allows individual service to every house in Tokelau.

9. The new telephone system, which also allows for facsimile transmission and data exchange, including access to the Internet, is the first of its kind in Tokelau, which is located in one of the most isolated areas in the South Pacific. As a result, the new system will provide an effective means of communication for the people of Tokelau and will contribute to the Territory's movement towards self-determination. Until now, Tokelau has had to rely on short-wave links to Apia, Western Samoa, and five-weekly mail ships for communications.

IV. Social and educational conditions

10. Detailed information on social and educational conditions in the Territory is contained in a previous working paper on Tokelau (A/AC.109/1193) and in the report of the Visiting Mission (A/AC.109/2009).

11. A new educational curriculum is being developed for Tokelau to reflect issues of regional development, practical constraints and Tokelau values and aspirations. It is to place emphasis on delivering computer technology to schools, exploring and using other technology for the cost-effective delivery of education programmes to students, including mature students, and teachers. The new curriculum will be linked closely to New Zealand's educational curriculum.

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SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

DISSEMINATION OF INFORMATION ON DECOLONIZATION

Resolution adopted by the Special Committee
at its 1470th meeting, on 6 June 1997

The Special Committee,

Having examined questions relating to the dissemination of information on decolonization,

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and other resolutions and decisions of the United Nations concerning the dissemination of information on decolonization, in particular General Assembly resolution 51/147 of 13 December 1996,

Recognizing the need for flexible, practical and innovative approaches towards reviewing the options of self-determination for the peoples of Non-Self-Governing Territories with a view to achieving complete decolonization by the year 2000,

Reiterating the importance of dissemination of information as an instrument for furthering the aims of the Declaration and mindful of the role of world public opinion in effectively assisting the peoples of Non-Self-Governing Territories to achieve self-determination,

Recognizing the role played by the administering Powers in transmitting information to the Secretary-General in accordance with the terms of Article 73 e of the Charter of the United Nations,

Aware of the role of non-governmental organizations in the dissemination of information on decolonization,

1. Takes note of the activities in the field of dissemination of information on decolonization undertaken by the Department of Public Information and the Department of Political Affairs of the Secretariat;

2. Considers it important to continue its efforts to ensure the widest possible dissemination of information on decolonization, with particular emphasis on the options of self-determination available for the peoples of Non-Self-Governing Territories;

3. Requests the Department of Political Affairs and the Department of Public Information to take into account the suggestions of the Special Committee to continue their efforts to take measures through all the media available, including publications, radio and television, as well as the Internet, to give publicity to the work of the United Nations in the field of decolonization and, inter alia:

(a) To continue to collect, prepare and disseminate, particularly to the Territories, basic material on the issue of self-determination of the peoples of Non-Self-Governing Territories;

(b) To seek the full cooperation of the administering Powers in the discharge of the tasks referred to above;

(c) To maintain a working relationship with the appropriate regional and intergovernmental organizations, particularly in the Pacific and Caribbean regions, by holding periodic consultations and exchanging information;

(d) To encourage the involvement of non-governmental organizations in the dissemination of information on decolonization;

(e) To report to the Special Committee on measures taken in the implementation of the present resolution;

4. Requests all States, including the administering Powers, to continue to extend their cooperation in the dissemination of information referred to in paragraph 2 above.

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SPECIAL COMMITTEE ON THE SITUATION WITH
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DECLARATION ON THE GRANTING OF
INDEPENDENCE TO COLONIAL COUNTRIES
AND PEOPLES

INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

Resolution adopted by the Special Committee at its 1470th meeting, on 6 June 1997

The Special Committee,

Recalling General Assembly resolution 1970 (XVIII) of 16 December 1963, in which the Assembly requested the Special Committee to study the information transmitted to the Secretary-General in accordance with Article 73 e of the Charter of the United Nations and to take such information fully into account in examining the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in Assembly resolution 1514 (XV) of 14 December 1960,

Recalling also General Assembly resolution 51/139 of 13 December 1996, in which the Assembly requested the Special Committee to continue to discharge the functions entrusted to it under resolution 1970 (XVIII),

Stressing the importance of timely transmission by the administering Powers of adequate information under Article 73 e of the Charter, in particular in relation to the preparation by the Secretariat of the working papers on the Territories concerned,

1. Reaffirms that, in the absence of a decision by the General Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter of the United Nations, the administering Power concerned should continue to transmit information under Article 73 e of the Charter with respect to that Territory;

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2. Requests the administering Powers concerned to transmit or continue to transmit to the Secretary-General the information prescribed in Article 73 e of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned, within a maximum period of six months following the expiration of the administrative year in those Territories;

3. Requests the Secretary-General to continue to ensure that adequate information is drawn from all available published sources in connection with the preparation of the working papers relating to the Territories concerned;

4. Decides, subject to any decision which the General Assembly may take in that connection, to continue to discharge the functions entrusted to it under Assembly resolution 1970 (XVIII), in accordance with established procedures.

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SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

QUESTION OF NEW CALEDONIA

Resolution adopted by the Special Committee at its 1470th meeting, on 6 June 1997

The Special Committee,

Having considered the question of New Caledonia,

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-determination,

Noting also, in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

Welcoming the strengthening of the process of review of the Matignon Accords[1] through the increased frequency of coordination meetings,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region,

1. Urges all the parties involved, in the interest of all the people of New Caledonia and building on the positive outcome of the mid-term review of the Matignon Accords, to maintain their dialogue in a spirit of harmony;

2. Invites all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all New Caledonians according to the letter and the spirit of the Matignon Accords, which are based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

3. Welcomes measures that have been taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon Accords;

4. Also welcomes the importance attached by the parties to the Matignon Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

5. Acknowledges the contribution of the Melanesian Cultural Centre to the protection of the indigenous culture of New Caledonia;

6. Notes the positive initiatives aimed at protecting New Caledonia's natural environment, notably the "Zonéco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

7. Acknowledges the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and territorial authorities to facilitate the further development of those links, including the development of closer relations with the countries members of the South Pacific Forum;

8. Welcomes, in particular, in this regard, continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to countries members of the South Pacific Forum;

9. Decides, subject to any directives which the General Assembly may give at its fifty-second session, to continue its consideration of the item at its next session.

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[1] See A/AC.109/1000, paras. 9-14.

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SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

DECOLONIZATION PROGRAMME IN THE UNITED NATIONS SYSTEM

Resolution adopted by the Special Committee at its 1470th meeting, on 6 June 1997

The Special Committee,

Recalling General Assembly resolution 43/47 of 22 November 1988, entitled "International Decade for the Eradication of Colonialism", and all other relevant United Nations resolutions and decisions,

Mindful of the statement made by the Secretary-General on 17 March 1997 regarding the administrative reforms of the Secretariat,

Reaffirming the political nature and substance of its mandate,

Concerned that the proposed administrative changes could jeopardize, downgrade and undermine the United Nations decolonization programme,

1. Urges the Secretary-General to continue to avail the Decolonization Branch of all necessary and adequate financial, human and technical resources;

2. Also urges the Secretary-General to maintain the Decolonization Branch and all its functions pertaining to the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to the Special Political and Decolonization Committee (Fourth Committee) in the Department of Political Affairs.

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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

QUESTION OF SENDING VISITING MISSIONS TO TERRITORIES

Resolution adopted by the Special Committee at its 1472nd meeting, on 12 June 1997

The Special Committee,

Having considered the question of sending visiting missions to Territories,

Having examined the report of the Chairman on the question,[1]

Recalling the relevant resolutions and decisions of the General Assembly and the Special Committee requesting the administering Powers to cooperate fully with the United Nations by receiving visiting missions in the Territories under their administration,

Mindful that United Nations visiting missions provide an effective means of assessing the situation in those Territories and of ascertaining the wishes and aspirations of the peoples thereof regarding their future status,

Conscious that United Nations visiting missions enhance the capacity of the United Nations to assist the peoples of Non-Self-Governing Territories in attaining the objectives set forth in the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, and in other relevant resolutions of the Assembly,

[1] A/AC.109/L.1859.

Noting with appreciation the continuing exemplary cooperation of New Zealand, as an administering Power, in the work of the Special Committee, and that, at the invitation of the Government of New Zealand, a visiting mission was dispatched to Tokelau in July 1994,[2]

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory of Guam, noting the recommendation of the 1996 Pacific Regional Seminar that a visiting mission be sent to Guam, and taking note of resolution No. 464 (LS), adopted by the twenty-third Guam legislature on 19 July 1996, in which it requested the dispatch of a United Nations visiting mission to that Territory,

Welcoming the commencement of informal dialogue between the Special Committee and some administering Powers,

1. Stresses the need to dispatch periodic visiting missions to Non-Self-Governing Territories in order to facilitate the full, speedy and effective implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to those Territories;

2. Calls upon the administering Powers to cooperate or continue to cooperate with the United Nations by receiving United Nations visiting missions in the Territories under their administration;

3. Requests the administering Powers to consider new approaches in the work of the Special Committee, and calls upon them to cooperate with the Special Committee in its efforts;

4. Requests its Chairman to continue consultations with the administering Powers concerned on the implementation of paragraph 2 of the present resolution and to report thereon to the Special Committee as appropriate;

5. Also requests its Chairman to enter into consultations with the administering Power of Guam with a view to facilitating the dispatch of a United Nations visiting mission to that Territory.

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[2] A/AC.109/2009.

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SPECIAL COMMITTEE ON THE SITUATION
WITH REGARD TO THE IMPLEMENTATION
OF THE DECLARATION ON THE GRANTING
OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

QUESTION OF THE FALKLAND ISLANDS (MALVINAS)

Resolution adopted by the Special Committee at its
1474th meeting, on 16 June 1997

The Special Committee,

Having considered the question of the Falkland Islands (Malvinas),

Aware that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976, 37/9 of 4 November 1982, 38/12 of 16 November 1983, 39/6 of 1 November 1984, 40/21 of 27 November 1985, 41/40 of 25 November 1986, 42/19 of 17 November 1987 and 43/25 of 17 November 1988, Special Committee resolutions A/AC.109/756 of 1 September 1983, A/AC.109/793 of 21 August 1984, A/AC.109/842 of 9 August 1985, A/AC.109/885 of 14 August 1986, A/AC.109/930 of 14 August 1987, A/AC.109/972 of 11 August 1988, A/AC.109/1008 of 15 August 1989, A/AC.109/1050 of 14 August 1990, A/AC.109/1087 of 14 August 1991, A/AC.109/1132 of 29 July 1992, A/AC.109/1169 of 14 July 1993, A/AC.109/2003 of 12 July 1994, A/AC.109/2033 of 13 July 1995 and 109/2062 of 22 July 1996 and Security Council resolutions 502 (1982) of 3 April 1982 and 505 (1982) of 26 May 1982,

Distressed that, notwithstanding the time that has elapsed since the adoption of General Assembly resolution 2065 (XX), this prolonged dispute has not yet been settled,

Aware of the interest of the international community in the resumption by the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland of their negotiations in order to find as soon as possible a peaceful, just and lasting solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas),

Expressing its preoccupation over the fact that the good level of relations between Argentina and the United Kingdom has not yet led to negotiations on the question of the Falkland Islands (Malvinas),

Considering that this situation should facilitate the resumption of the negotiations in order to find a peaceful solution to the dispute over sovereignty,

Reaffirming the principles of the Charter of the United Nations on the non-use of force or the threat of force in international relations and the peaceful settlement of international disputes,

Calling attention to the importance of the Secretary-General continuing his efforts to give full effect to the mission entrusted to him by the General Assembly in the resolutions on the question of the Falkland Islands (Malvinas),

Reaffirming the need for the parties to take due account of the interests of the population of the islands in accordance with the provisions of the General Assembly resolutions on the question of the Falkland Islands (Malvinas),

1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;

2. Takes note of the views expressed by the Minister for Foreign Affairs, International Trade and Worship of Argentina on the occasion of the fifty-first session of the General Assembly;[1]

3. Regrets that, in spite of the widespread international support for a negotiation between the Governments of Argentina and the United Kingdom that includes all aspects on the future of the Falkland Islands (Malvinas), the implementation of the General Assembly resolutions on this question has not yet started;

4. Requests the Governments of Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas), in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25;

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[1] A/51/PV.4.

5. Reiterates its firm support for the mission of good offices of the Secretary-General in order to assist the parties in complying with the request made by the General Assembly in its resolutions on the question of the Falkland Islands (Malvinas);

6. Decides to keep under review the question of the Falkland Islands (Malvinas) subject to the directives that the General Assembly has issued and may issue in that regard.